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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HAVAN, THU THAO

ART UNIT	PAPER NUMBER
3693	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/824,792	MARCEAU ET AL.
	Examiner	Art Unit	
	THU-THAO HAVAN	3693	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 December 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

Response to Amendment

Claims 1-32 are pending. This action is in response to the remarks received December 5, 2007.

Response to Arguments

The rejection of claims 1-32 under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 2001/0018739) and Dutta et al. (US 2002/0152164) is maintained.

Applicant's arguments filed December 5, 2007have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

A.) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., archives) are not recited in the rejected claims 1, 6, 15, 21, and 31. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, Anderson teaches archives when he discloses issuer bank keeps an archive of electronic checks (para. 0178, 0198, 0206, and 0242). In other words, Anderson teaches the instrument is archived for permanent storage and retrieval at the payer's bank or elsewhere.

B.) Applicant alleges that the prior art made of record fails to teach paper check. The examiner disagrees with applicant's representative since Anderson teaches paper

check when he discloses the steps of making electronic payments on public networks
wherein it may be used in any situation where a paper check would be used (para. 0222
and 0249). Thus, Anderson mainly discloses electronic payments but his system also
applied to a paper check.

C.) Applicant alleges that the prior art made of record fails to teach providing an index.
The examiner disagrees with applicant's representative since Anderson teaches
providing an index when he creates an index (para. 0018 and 0027). In other words,
Anderson teaches clearly disclose index when he teaches text-oriented database
management systems typically use inverted file indexes to point into documents, or
subdivisions of them. A search can be made for an occurrence of some word or word
pattern within a document or within a subdivision of one. Meaningful subdivisions of
input documents will of course be closely related to the subdivisions specified using
descriptive markup. It is thus simple for textual database systems to take advantage of
SGML-tagged documents.

With regards to the claims rejected as taught by Anderson and Dutta, the
examiner would like to point out that the reference teaches the claimed limitations and
thus provides adequate support for the claimed limitations. Therefore, the examiner
maintains that Anderson and Dutta taught the claimed limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims **1-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 2001/0018739) in view of Dutta et. al (US 2002/0152164).

Re claims **1, 6, 15, 21,** and **31,** Anderson teaches a method of recording and perusing financial transaction information (<u>para. 0009 and 0035</u>) comprising the steps of:

providing an index generating software program to a financial institution for use on a first computer, the index generating software program being operable to generate a downloadable index of images of cleared paper checks (<u>para. 0018, 0027, 0178, 0198, 0206, 0222, 0242, and 0249</u>); and

providing a customer of the financial institution with complementary software for use on a second computer, the complementary software being operable to remotely download the downloadable index of images of cleared paper checks, together with the images of the cleared paper checks (<u>para. 0008, 0096, 0145-0146, 0222, 0228, and 0249</u>).

However, Anderson does not explicitly teach to display the images of the paper cleared checks. On the other hand, Dutta specifically discloses to display the images of the cleared paper checks (<u>para. 0003 and 0020; figs. 13-14</u>). Displaying a cleared check over the Internet is well known element in relation to scanning images in an electronic checkbook format. Dutta discloses the overlay prints are similar to those added to a physical check to identify who has processed the check and what has been done with the check. These overlay prints also may include digital watermarks added by the

financial institution. This image is then sent to regional clearing house, which removes

local transactions, i.e. performs the check settlement and returns the non-local

transactions to merchant bank. Thus, it would have been obvious to one of ordinary

skill in the art to enable an electronic checkbook system for displaying a cleared check

to recognize a physical check to identify who has processed the check and what has

been done with the check.

Re claims **2** and **7-8**, Anderson teaches incorporating copies of the images of the

cleared paper checks into the downloadable index (para. 0180, 0222, and 0249).

Re claim **3**, Anderson teaches complementary software also provides an interface

and a database selection module for recording the customer's financial transactions

(figs. 17a-17b).

Re claims **4** and **22**, Anderson teaches customer with a checking account ledger

for recording the customer's checking account transactions; wherein the complementary

software is operable to record financial transactions in the checking account ledger

corresponding to the check images in the downloadable index (figs. 18 and 21).

Re claim **5**, Anderson teaches index is a searchable index, and wherein the

complementary software also provides the customer with the ability to search according

to check number and to generate a search result that displays an image of the check

corresponding to a searched-for check number together with textual information stored

in the index identifying the check image (para. 0018 and 0230-0233).

Re claim **10**, Anderson teaches prerecording a financial transaction corresponding

to a check; downloading an image of the check, together with the corresponding

transactional text data, after it has cleared; comparing the prerecorded information with the downloaded transaction information; and alerting the customer if there is a mismatch between the prerecorded information and the downloaded transaction information (para. 0027).

Re claim **11**, Anderson teaches printing a check through the financial transaction bookkeeping software; and prerecording the financial transaction based on the information printed on the check (para. 0018-0026, 0033, and 0200).

Re claims **12** and **14**, Anderson teaches receiving an image of a check before it has cleared; running an optical character recognition process on the check image to identify transactional textual information on the check image; and prerecording the financial transaction corresponding to the check by storing the optically-recognized transactional textual information in the customer's checking account ledger (para. 0214-0220).

Re claims **13** and **32**, Anderson teaches financial transaction bookkeeping software program is integrated with an optical character recognition module operable to identify typed or written information in a cleared check image (para.0180).

Re claims **16** and **25**, Anderson index generating software is operable to generate a single file archive of the checks together with the corresponding cleared check images, and wherein the index downloading software module is operable to remotely access and download the archive (para. 0178, 0198, 0206, 0230, 00232, 0237, 0238, and 0242).

Re claims **17** and **24**, Anderson a financial transaction software program residing on the customer's personal computer, the financial transaction software program being operable to maintain a database of the customer's financial transactions, the financial transaction software program being further operable to store the downloaded index together with the cleared check images; wherein the index downloading software module is integrated with the financial transaction software program (para. 0233-0238).

Re claims **18** and **26-28**, Anderson a check data and image perusal software module interfaced with the index downloading software module and operable to display the check images together with textual data identifying the check images (para. 0230-0234).

Re claims **19** and **29-30**, Anderson a check data and image perusal software module interfaced with the index downloading software module and operable to search the downloaded index according to check number and to generate a search result that displays an image of the check corresponding to a searched-for check number together with textual information stored in the index identifying the check image (para. 0237-0238).

Re claims **20** and **23**, Anderson detecting possible check washing fraud (para. 0074-0075, 0080-0086, and 0217).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The

examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct-uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

TTH
Art Unit: 3693
1/28/08